IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2390 of 2005

Between:

AP State Agro Industries Development Corporation Ltd., Saifabad, Hyd,

rep. by its Vice Chairman and M.D.,

..... PETITIONER

AND

1 The Assistant Provident Fund Commissioner Enforcement, A.P., Hyderabad, (Authority under Section 7-A of the -E.P.F & Misc Prov. Act, 1952).
2 The Recovery Officer, Employees Provident Fund, A.P. Hyderabad, Office of

the Recovery Officer, Bhavaishya Nidhi, II Floor, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the proceedings under Section 7-A of the E.P.F Act, 1992 by the first respondent vide proceedings No. AP /3300 Dt. 19.1.2004 in so far as ordering for recovery of EPF Employees contributions from the employees who have left the service during the period from 22.9.1997 to 31.11.2002 as illegal, arbitrary and irrational ii) declare the consequential proceedings No. AP/3300/R.Cell /RC No.92/04 dt. 20.1.2005 as illegal and arbitrary.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent No.: MR.R.N.REDDY

The Court made the following :

ORAL ORDER :

This writ petition is filed aggrieved by the order dated 19-01-2004 passed by the 1st respondent under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act')

Against the impugned order, an efficacious alternative remedy of appeal is provided under Section 7-I of the Act. Without exhausting the said alternative remedy available under the Statute, the petitioner cannot maintain this writ petition. Accordingly, the Writ Petition is disposed of granting leave and liberty to the petitioner to prefer an appeal against the impugned order within a period of two weeks from today. If any appeal is preferred within the time specified above, the same shall be considered by the Appellate Authority and appropriate orders be passed in accordance with law. Having regard to the facts and circumstances of the case, there shall be a further direction that the impugned order shall not be given effect to for a period of four weeks from today. No costs.

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(G.ROHINI, J)

Dt. 14-02-2005

Note: Issue CC by tomorrow.

B/o Mjl

To

1 The Assistant Provident Fund Commissioner Enforcement, A.P., Hyderabad, (Authority under Section 7-A of the -E.P.F & Misc Prov. Act, 1952).
2 The Recovery Officer, Employees Provident Fund, A.P. Hyderabad, Office of

the Recovery Officer, Bhavaishya Nidhi, II Floor, Hyderabad.

3. The Vice Chairman & M.D. A.P.State Agro Industries Development

Corporation Ltd., Saifabad, Hyderabad.

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